

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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IN RE BIT DIGITAL, INC. SECURITIES	:	
LITIGATION	:	Index No. 21-cv-00515 (ALC)
	:	
Pertains to All Associated Actions	:	
	:	
_____	:	
	X	

**DECLARATION OF STUART KAGEN, ESQ.**

I, Stuart Kagen, hereby declare as follows:

1. I am an attorney of the firm of Kagen, Caspersen & Bogart PLLC, counsel for Defendants in this matter.
2. I am submitting this Declaration in further support of Defendants' motion to dismiss.
3. Attached as Exhibit A is a true and correct copy of a screen shot from the ICRIS CSC Companies Registry for the government of the Hong Kong Special Administrative Region, which can be accessed at <https://www.icris.cr.gov.hk/csci/> (the "Hong Kong Companies Registry").
4. Attached as Exhibit B is a true and correct copy of the results of a company name search for the name "XMAX" run in Hong Kong Companies Registry.
5. Attached as Exhibit C is a true and correct copy of the results of a company name search for the name "XMAX Foundation PTE. Ltd." run in the Singapore Business Directory, which can be accessed at <https://recordowl.com>.
6. Attached as Exhibit D is a true and correct copy of a "profile" for a digital token called "XMAX," which is available at <https://isthiscoinascam.com/check/xmax>.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 17, 2021 in New York, New York.

/s/ Stuart Kagen  
Stuart Kagen

**CERTIFICATE OF SERVICE**

I hereby certify that on December 17, 2021, I electronically filed the foregoing document with the clerk of the Court using the ECF system. The ECF system will send notification of the filing to all attorneys of record.

s/ Stuart Kagen  
Stuart Kagen, Esq.